

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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BENJAMIN FOLEY,

Plaintiff,

18-CV-504

vs.

**MOTION FOR
DEFAULT JUDGMENT**

PETER WILSON and KPC, LLC

Defendants,
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This action having commenced on January 19, 2018 and properly served on Defendants PETER WILSON and KPC, LLC, pursuant to the Federal Rules of Civil Procedure 4(e)(1) and (h), by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the defendants, PETER WILSON and KPC, LLC, on January 23, 2018 by personal service delivered to the address provided by defendant Peter Wilson, 3334 E. Coast Hwy, #412, Corona Del Mar, CA 92625, under the guidelines of California Business and Professions Code 17538.5, specifically section (f)(2) which requires any person obtaining a private mailbox to authorize the commercial mail receiving agency (CMRA) to act as an agent for service of process, and also by emailing a courtesy copy to the defendant Peter Wilson on February 5, 2018, and a proof of service having been filed on January 23, 2018

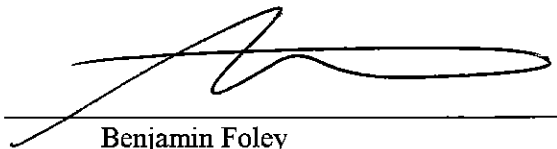
and the defendant not having answered the Complaint, and the time for answering the Complaint having expired,

and, Jurisdiction being based upon Diversity of Citizenship is proper because the amount in controversy exceeds \$75,000 and the defendants have availed themselves to the district in accordance with the New York long arm statute,

Plaintiff BENJAMIN FOLEY moves for entry of judgment by default against defendants PETER WILSON and KPC, LLC in the liquidated amount of \$400,000 with interest at 9% from February 2012 amounting to \$670,840 plus costs and disbursements of this action in the amount of \$85 amounting in all to \$670,925.

For the reasons stated above Plaintiff respectfully asks that the motion be granted, and alternatively, if the Court should require, Plaintiff respectfully requests 60 days to find the defendant Peter Wilson and to serve him personally or in a way that better meets the Federal Rules of Civil Procedure.

Dated: September 17, 2018



Benjamin Foley
Plaintiff